

AB2726 LOCAL INTERAGENCY AGREEMENT APPROVAL

This agreement is entered into by and between the undersigned parties:

Date:

Date:

Rodger Lum, Ph.D.
Director, Health and Human Services
County of San Diego

Rudy M. Castruita, Ed.D.
Superintendent of Schools
San Diego County Office of Education

Date:

Date:

Carol A. Leighty, Ed.D.
Chair, Superintendent Council
East County Special Education Local Plan Area

Thomas Anthony
Chairperson, Board of Governors
North Coastal Special Education Local Plan Area

Date:

Date:

Michael Caston, Ed.D.
Chair, Superintendent Council
North Inland Special Education Local Plan Area

Donald A. Phillips, Ed.D.
Superintendent
Poway Unified Special Education Local Plan Area

Date:

Date:

Alan Bersin
Superintendent
San Diego Unified School District

Lowell Billings, Ed.D.
Chairperson, Superintendent Council
South County Special Education Local Plan Area

COMMITTEE MEMBERS

Family Representatives

Katherine Smith-Brooks
Mary Darley

Special Education Local Plan Area Representatives

Sara Lynch	East County SELPA	Director
Joseph Schwartzberg	North Coastal SELPA	Director
Carol Bartz	North Inland SELPA	Director
JoAnn Murphy	Poway Unified	Director
Carolyn Nunes	San Diego Unified	Director
Michael Brogan	South County SELPA	Director

San Diego County Office of Education

Judith Van Brocklin	San Diego County Office of Education	Director, Committee Co-chair
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Public Agency Representatives

Alfredo Aguirre	Health & Human Services Agency	Director
Rosa Ana Lozada-Garcia	Health & Human Services Agency	Assistant Deputy Director
Laura Colligan	Health & Human Services Agency	Chief, Special Education Services Committee Co-chair
Frances Edwards	Health & Human Services Agency	Program Manager
Joseph Concellosi	Health & Human Services Agency	Program Manager
Jane Gorman	Health & Human Services Agency	Program Manager
Susan Mardon	Health & Human Services Agency	Chief, Children's Mental Health
Katie Astor	Health & Human Services Agency	Chief, Children's Mental Health
Bruce Klier	Health & Human Services Agency	Psychologist, Juvenile Forensics

District Representatives

Shirley Culver	San Diego Unified School District
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Provider Representative

Ruth Kenzelmann	Mental Health Contractors Association	Representative
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PHILOSOPHY

This agreement is between San Diego County Health and Human Services Agency (HHSA), Children's Mental Health Services (CMHS), Local Education Agencies (LEAs), Special Education Local Plan Areas (SELPA) and the San Diego County Superintendent of Schools (SDCOE). The intent of all parties is to develop a collaborative relationship that utilizes resources to best meet the educational and mental health needs of our children/youth and families.

The purpose of this agreement is to establish local guidelines and working procedures for the local AB2726 interagency planning and communication which will result in maximizing and coordinating existing state and local programs and providing supportive services which are necessary to assist all eligible students with disabilities, including wards and dependents of the court. It is the intent of this agreement to assure conformity with the federal Individuals with Disabilities Education Act (IDEA 97), Sections 1400 et seq. Of Title 20 of the United States Code and its implementing regulations, including Section 76.1 et seq. and 300.1 et seq. of title 34 of the Code of Federal Regulations and Title 2 Division 9, Chapter 1 of the California Code of Regulations (CCR).

The following principles have guided the development of these procedures;

- All students with disabilities have access to appropriate programs and services, including those provided by other public agencies.
- Coordination and communication between schools, agencies and families is best facilitated at the regional level.
- All available resources should be examined and utilized as appropriate. Agencies and schools should consider such “natural resources” as extended families, and community resources, in the development of pre-referral and placement alternatives within the cultural context of the student and family.
- Programs and services shall be delivered consistent with local and regional system of care of efforts, which includes the partnership among public and private agencies and families.
- In order to provide access for qualified students there should be a timely exchange of educational information, consistent with student and family rights to confidentiality, among all parties including, but limited to, Probation Department, (Children's Services, Adoptions, CMHS, and LEA(s)).
- Systems work best when families are included in the planning process and understand process and procedures and their rights under the law.
- Services shall be delivered in the least restrictive environment.
- All agencies will partner with the family in the identification of resources to provide student advocacy and problem solving.
- Pursuant to the procedures set forth in this chapter are not designed for use in responding to psychiatric emergencies or other situations requiring immediate response. In these situations, a parent may seek services from other public programs or private provider, as appropriate. This subdivision shall not change the identification and referral responsibilities imposed on local education agencies under Article 1 (commencing with Section 56300) of Chapter 4 of Part 30 of the Education Code.

Consistent with these principles, the following procedures describe roles and responsibilities of schools and the Children's Mental Health Services of San Diego County Health and Human Services Agency and its contracted providers in the areas of referral, assessment, IEP development, evaluation and monitoring, and fiscal issues.

ADMINISTRATION OF THE AGREEMENT SECTION 60030

The purpose of this section is to describe general roles and responsibilities for the administration of the Local AB2726 Interagency Agreement. Items included are: provisions for the regular review of the agreement, identification of agency representatives who will be responsible for the monitoring of the agreement, a local dispute resolution process, methods for the exchange and confidentiality of records, transportation, facilities, the development of a resource list for assessment and treatment purposes, staff development and evaluation of the agreement.

Review and Evaluation of the Agreement

The content of this agreement will remain in effect until the agencies mutually agree upon any revisions. Non-substantial amendments or revisions may be made by mutual consent of the members of the interagency committee present at any time without a formal adoption by governmental bodies. Non-substantial amendments or revisions mean administrative procedures which do not affect the provision of a free appropriate public education. Examples may include the use of specific forms, legal citations, and/or appendices. The agreement will be reviewed at least every three years. Representatives of either agency can request a review of any sections of the agreement during the three-year period and a committee will be formed.

Identification of Contact Persons for Each Agency

The Chief of Special Education Services for the San Diego County HHSA Children's Mental Health Services shall be responsible for monitoring compliance with the agreement for that agency. The SELPA director for each region in San Diego County is responsible for monitoring compliance with the agreement for local education agencies. Programs operated by the San Diego County Office of Education, including Juvenile Court and Community Schools are located with the South County SELPA. At least three times a year representatives of HHSA will be invited to the Regional Director meetings at the San Diego County Office of Education to discuss the elements of the evaluation process included in this agreement. The Regional Director meetings include the six SELPA directors and the Director of Special Education at the San Diego County Office of Education.

Local Dispute Resolution Process

Both agencies agree that the following process should be used to address disputes on the implementation of the agreement only after collaborative efforts to serve youth and families have been attempted at the lowest possible regional level.

By July 1 of each year, an arrangement with a mutually agreed upon outside agency will be jointly facilitated by the Director of Special Education for the San Diego County Office of Education and the Chief of Special Education Services (CMHS). This arrangement would be in place to assist both agencies in resolving disputes utilizing a process of facilitated communication through non-binding mediation. A Local Education Agency (LEA) shall have access to the services through consultation with the SELPA Director. Requests from Health and Human Services Agency staff to access the services will be made through the Chief of Special Education Services. The following process will be used:

- A written notice of the request for dispute resolution, including a description of the concerns to be addressed, shall be forwarded by the agency initiating the dispute to the non-initiating party, which may be the Chief of Special Education Services (CMHS) or the SELPA Director. A copy of the request for dispute resolution shall be sent to the Director of Special Education for the SDCOE.
- If the issue is not resolved within 5 business days, the agency initiating the dispute shall request that the SELPA Director or the CMHS Chief of Special Education Services contact the mediator to schedule a meeting between the parties.

- No later than sixty (60) business days from the date the SELPA Director or the Chief of Special Education Services (CMHS) contacts the mediator, a resolution plan between the two agencies will be developed.
- The responsible SELPA Director and the Chief of Special Education services shall be responsible for assuring the agreements included in the resolution plan are implemented.
- The costs for this service shall be shared equally between the SELPA and CMHS.
- When Interagency Disputes cannot be resolved using the local process, as described above, procedures identified in Article 9 Section 60600 and 60610 shall be used. **Appendix #1**

Due Process and Complaints

Parents may resolve disputes with LEA and/or CMHS utilizing due process and complaint procedures identified in Sections 60550 and 60560. Parents are notified of these procedural safeguards pursuant to CEC 56500 et. seq. **Appendix #2**

Attorney's Fees

The LEA and CMHS shall pay attorney's fees incurred by a parent who is the prevailing party in a due process case, a negotiated settlement, and/or a compliance investigation based on a case by case review of proportional agency responsibility which shall include the following factors:

- 1) Each agency's timeline compliance;
- 2) When the agency became involved in the case;
- 3) Agency actions or inactions which contributed to the filing of the case;
- 4) The degree to which the agency's action or inaction contributed to the reason attorney's fees were incurred;
- 5) Other relevant factors.

Procedures for assuring Confidentiality and Exchange of Information

Procedures in sections 60040, 60045, 60050 and 60100 describe the method and content of records to be exchanged between LEAs and CMHS. Exchange of information between agencies occurs only after the parent (or other authorized individual) has given written permission to release records to another agency. These releases are included in referral and assessment packets. **Appendix #3**

Transportation

Transportation to outpatient services is the responsibility of the LEA. However, to foster parental involvement in the treatment process, the LEA and CMHS will look to the parent/guardian as the primary provider of transportation whenever possible. The provider of outpatient mental health services will work with the case manager/family service coordinator and the LEA special education administrator to minimize the necessity for transportation and disruption of the student's educational program.

In the case of day treatment, the LEA shall be responsible for transportation, when specified in the IEP, for each day the day treatment program is in session. The LEA shall make arrangements to assure that transportation is for day treatment provided beyond the regular school year including extended school year.

In the case of residential placements, the LEA shall be responsible for transportation pursuant to local policies and procedures.

Facilities

When both the LEA and the CMHS agree that a new AB2726 day treatment program is to be established or an existing program is to be relocated and facilities costs will be incurred, the two agencies shall jointly plan the facility and bear the start up and ongoing costs on a proportional basis. A Memorandum of Understanding delineating each agency's proportional share shall be developed before the project begins.

Resource Lists

On an annual basis, and updated as appropriate, CMHS and each SELPA shall exchange the following organization and directory information:

- SELPA Contact lists - This list includes the name, phone number and address for all district and SELPA special education administrators in the county. **Appendix #4**
- CMHS Contact lists - This list includes names, phone numbers and addresses for CMHS program managers and assessors responsible for AB2726 services. Regions will organize the list. **Appendix #5**
- Contracted providers for outpatient and day treatment services. **Appendix #6**

Mutual Staff Development

On a yearly basis, CMHS, SELPA and LEA shall design and implement staff development activities at the county, regional and local level. These shall include general overview of the requirements of the agreement and in depth workshops on eligibility, strategies for encouraging family and youth involvement in the education and mental health process, and IEP development, (including the writing consistent goals and objectives) between CMHS and encouraging family and youth involvement in the education and mental health process. Juvenile Probation and Children's Services staff shall also be invited to attend the workshops.

Evaluation

The effectiveness of the AB2726 Local Interagency Agreement will be reviewed on an annual basis. An annual plan will be developed to address identified needs, which may include analysis of statistical information on rates of referral, recommendations for levels of care, length of service by level of care, factors related to students' transitions in and out of programs, students returning to lesser restrictive levels of care, etc. Data on compliance with time lines, outcomes of compliance complaints, measures of educational outcomes, may also be used.

Transition to a Lower Level of Care

Effective treatment planning and discharge preparation are ongoing processes and the responsibility of the student's IEP team. It should be discussed upon initial enrollment in the mental health program and at each subsequent IEP meeting. The student's progress towards meeting the mental health social/emotional goals on the IEP is the primary consideration for discharge. All parties are responsible to develop and implement a timely plan that addresses educational and mental health services to be implemented upon discharge.

At least 90 days prior to the anticipated discharge, CMHS shall notify the LEA of the anticipated change to an outpatient level of care or when it is anticipated that mental health services will no longer be required. An assessment plan to reevaluate the level of mental health services shall be developed and sent to the parents. Upon receipt of the parent signature, the reevaluation will be completed and an IEP team meeting to review the results of the reevaluation shall be held. When possible, future providers are invited to attend the IEP team meeting where transition is being planned. This would also include an educational representative from the identified placement site if appropriate. Within 30 days after the IEP meeting at which discharge to a lower level of care is determined to be appropriate, the LEA shall assign

the student to the appropriate educational placement for discharge. If the LEA is unable to provide an appropriate educational placement within 30 days following the IEP meeting, CMHS may bill the LEA for the continued mental health treatment costs at the higher level of care.

**REFERRAL/TRANSFER AND INTERIM PLACEMENT
SECTION 60040/60055**

Local Education Area (LEA)	Children's Mental Health Services (CMHS)
Students who have been previously identified as requiring special education services through the IEP process may be referred by school districts and the SDCOE for mental health assessment utilizing the procedures identified in this section.	If a student has been receiving mental health services through a funding source other than AB2726 and is, or is suspected of being, a student with special education needs, CMHS may make a referral to the LEA responsible for the student. This referral shall be for assessment and/or coordination of AB 2726 services.
Based on preliminary results of assessments performed pursuant to Section 56320 of the Education Code, a LEA may refer a pupil who has been determined to be or is suspected of being an individual with exceptional needs, and is suspected of needing mental health services in order to benefit educationally.	CMHS will receive the referral and contact LEA staff to coordinate assessments and IEP date.
LEA and/or SELPA shall identify staff responsible for coordinating and monitoring referrals to CMHS. Identified LEA/SELPA staff shall receive referrals from schools and other agencies in the region, assure referrals are transferred to CMHS, verify that all components of the referral are completed, track the timelines for assessment and IEP development, and resolve any disputes at the local level. To foster communication at a local level, LEA/SELPA staff is encouraged to meet on a regular basis with representatives from CMHS. The Department of Probation and the HHSA, including Child Protective Service workers should be involved on a case by case basis.	CMHS shall identify staff to liaison with LEA/SELPA staff. CMHS staff shall jointly review referrals with LEA/SELPA staff to assure that all components have been completed, track the timelines for assessment and IEP development, and resolve any disputes at the local level. The Department of Probation and the HHSA, including Child Protective workers should be involved on a case by case basis.
LEA shall accept referrals from agencies including, but not limited to CMHS and Probation. The LEA will contact the parent and process the referral if the parent consents.	Probation and CMHS may refer students to school districts for consideration of special education and related services.

Local Education Area (LEA)	Children's Mental Health Services (CMHS)
<p>LEA staff shall prepare a referral packet that contains the following elements:</p> <ul style="list-style-type: none"> • Referral Summary and documentation. Appendix #7 • Current assessment reports, Individualized Education Program (IEP) documents and any other independent assessments which may be available. • Signed parental permission for referral to CMHS and consent to make students available within San Diego County. • Release of information forms, signed by the parent, for CMHS, private providers who may be working with the student and/or family, other public agencies, and independent assessors. • A statement of the following: <ul style="list-style-type: none"> ▪ As determined by educational assessments, the pupil's functioning, including cognitive functioning, is at a level sufficient to enable the pupil to benefit from mental health services. ▪ The result of the previous interventions provided by the school district, including counseling, psychological or guidance services, or a statement of why these services are clearly inappropriate. ▪ A statement that the student has emotional or behavioral characteristics associated with a condition that cannot be described solely as a social maladjustment or temporary adjustment problem and cannot be resolved with less than three (3) months of school counseling. • In order to facilitate a timely assessment, the LEA should also assist the parent, as appropriate, in completing. <ul style="list-style-type: none"> ▪ Child/Youth History Questionnaire. ▪ Demographic information form required by CMHS 	<p>CMHS shall jointly develop appropriate referral forms, releases of information and other documents for use by LEA staff. Appendix #7</p>
<p>Whenever a pupil, who has been receiving mental health services pursuant to an IEP from a school district in another county, moves into a district, the LEA shall immediately contact CMHS to arrange interim services, as part of the 30 day interim IEP developed by the LEA, pending updated assessments of current mental health needs within thirty (30) days.</p>	<p>When contacted by a district regarding the need for interim mental health services for a transfer student from another county, CMHS shall ensure that the pupil is provided interim mental health services as specified in the existing IEP, pursuant to Section 56325 of the Education Code, for a period not to exceed thirty (30) days, unless the parent agrees otherwise.</p>

Local Education Area (LEA)	Children's Mental Health Services (CMHS)
	<p>Within the 30-day interim period, CMHS shall evaluate the student's need for mental health services in conjunction with the resident LEA in San Diego county.</p> <p>If the parent contacts CMHS directly regarding the provision of interim services, CMHS staff shall refer the parent to the LEA. If the CMHS service receives a referral for a pupil with a different county of origin, the CMHS service receiving the referral shall forward the referral within two (2) working days to the county of origin, which shall have programmatic and fiscal responsibility for providing or arranging for provision of necessary services. The procedures described in this subsection shall not delay or impede the referral and assessment process.</p>

Wards and Dependents

Local Education Agency (LEA)	Children's Mental Health Services (CMHS)
Whenever a pupil is determined to be a ward or dependent of the Court and is residing in Juvenile Hall or a camp program or Polinsky Children's Center, and has a current IEP with AB 2726 mental health services, the LEA shall convene an interim IEP to coordinate the delivery of mental health services identified on the IEP with mental health services in the Court or detention setting. The AB 2726 case manager shall be notified of such IEP.	For those students in Juvenile Hall or camp programs, a representative of Juvenile Forensics, Children's Mental Health Services, shall attend the interim IEP meeting to address the delivery of mental health services pursuant to the IEP mental health AB2726 treatment goals while the student is incarcerated.

SECURITY

Local Education Agency (LEA)	Children's Mental Health Services (CMHS)
The LEA shall ensure that the mental health service providers meet the applicable background clearances required under state and federal laws.	CMHS shall require the mental health service providers meet the applicable background clearances required under state and federal laws.

**ASSESSMENT
SECTION 60045**

Local Education Agency (LEA)	Children's Mental Health Services (CMHS)
<p>In an effort to reduce duplication of assessment, the LEA shall include all available reports in the referral packet sent to CMHS. The referral packet and any other relevant pupil information shall be provided to CMHS, as well as any other relevant pupil information, in accordance with procedures ensuring confidentiality within five (5) business days of the IEP team recommendation or the parent request.</p>	<p>Within 5 days of receipt of the complete referral packet CMHS shall review the recommendation for mental health assessment and determine if such an assessment is necessary.</p> <p>If no mental health assessment is determined to be necessary, or the referral is inappropriate the reason shall be documented by the CMHS. CMHS shall notify the parent and the LEA via fax or phone call within one (1) workday. Appendix #8</p> <p>If the referral is determined to be incomplete, the reasons shall be documented by the CMHS service. The CMHS service shall notify the LEA within one (1) workday. Appendix #8</p> <p>If a mental health assessment is determined to be necessary, the CMHS representative shall notify the LEA, (Appendix #9) develop a mental health assessment plan, and provide the plan and a consent form to the parent within 15 days of receiving the referral from the LEA, pursuant to Section 56321 of the Education Code. Appendix #10.</p> <p>If the signed assessment plan is not returned within ten days after the initial letter, CMHS shall send a reminder letter to parents in their native language or verbally communicate with the parents in their native language, unless it is clearly not feasible to do so, with a copy to the designated LEA contact person. The assessment plan shall be sufficiently comprehensive to determine the student's needs while at the same time reducing duplication of effort by considering all available information. Depending on student needs the plan may include interviews, screening measures, observations and psychological evaluations. The mental health assessment, as a minimum, will consist of at least one face-to-face contact with the child/youth and one with the legally responsible adult. The parent shall make their child locally available.</p>

Local Education Agency (LEA)	Children's Mental Health Services (CMHS)
<p>Upon request by CMHS, the LEA shall assist in obtaining written consent for assessment. If permission has not been secured, the LEA shall, as appropriate, convene an IEP meeting to discuss the status of the referral or notify the parent the referral is closed.</p>	<p>CMHS shall notify the LEA if permission for assessment has been secured. If there has been no response from the family after 30 days CMHS shall notify the designated LEA contact person within 5 calendar days. Efforts to obtain permission to conduct the mental health assessment and secure parental signature on releases of information shall be delineated in CMHS procedures. These procedures may include activities such as repeated efforts to contact the parent, attempts to contact parents in their native language, etc.</p>
<p>Once the letter has been received confirming the assessment is proceeding, the LEA shall initiate scheduling the IEP with CMHS and the parent within 5-10 days. The LEA shall coordinate an IEP date with CMHS within a total time not to exceed 50 days, not counting days between the pupil's regular school sessions, terms, or days of school vacation in excess of five schooldays, from the date of receipt of signed parental permission. However, such an individualized education program shall be developed within 30 days after the commencement of the subsequent regular school year as determined by each district's school calendar for each pupil for whom a referral has been made 20 days or less prior to the end of the regular school year. In the case of pupil school vacations, the 50-day time shall recommence on the date that pupil school days reconvene.</p>	<p>Upon receipt of permission to assess, the CMHS assessor shall notify the LEA within one (1) working day and request an IEP date within 50 calendar days to review the results of the assessment. Appendix #11</p>
	<p>The mental health assessment shall be completed in sufficient time to ensure that an IEP meeting is held within 50 days from the receipt of the written parental consent for the assessment. This time line may only be extended upon the written request of the parent.</p>
<p>The LEA staff shall review the recommendations for mental health service with the CMHS assessor 3 days prior to an IEP meeting.</p>	<p>The CMHS assessor shall review and discuss their mental health service recommendation with the parent, the student when appropriate, and appropriate members of the IEP team prior to the IEP team meeting 3 days prior to the IEP meeting.</p>

Local Education Agency (LEA)	Children's Mental Health Services (CMHS)
<p>If there is disagreement over the mental health recommendation and the parent or the LEA has requested the assessor attend the IEP team meeting, the IEP team shall review and discuss the recommendation of the mental health assessor. The recommendation shall be the recommendation of the IEP team members attending on behalf of the LEA pursuant to Government Code Section 7572.</p>	<p>The CMHS assessor will participate in the IEP meeting in person or via conference call. Upon request by the parent or the LEA, the mental health assessor shall attend the IEP team meeting to discuss the recommendation.</p>

**INDIVIDUALIZED EDUCATION PROGRAM
SECTION 60050**

Local Education Agency (LEA)	Children's Mental Health Services (CMHS)
<p>The LEA shall ensure that the required mental health documentation is incorporated into the IEP. Appendix #12</p>	<p>In accordance with Section 7572 of the Government Code, when it is determined, that a mental health service is necessary for a pupil with a disability to benefit from special education, the following documentation shall be incorporated into the IEP as follows:</p> <ul style="list-style-type: none"> • A description of the present levels of social and emotional performance. • The educationally related goals and objectives of the mental health services with objective criteria and evaluation procedures to determine whether they are being achieved. • A description of the types of mental health services to be provided. • The initiation, duration and frequency of the mental health services. • Parental approval for the provision of mental health services. This signed consent for treatment is in addition to the signed IEP. <p>Appendix #13</p>
<p>The LEA Administrator/designee shall request that prior to the IEP meeting the parent provide a copy of any independent evaluation occurring subsequent to the referral, which they wish CMHS to consider.</p> <p>The IEP team shall consider all independent evaluations related to the provision of related mental health services. The CMHS representative who reviewed the independent evaluation shall attend the IEP meeting if requested and discuss the findings.</p> <p>The recommendation of the CMHS representative who reviewed the independent evaluation shall be the recommendation of the IEP team.</p>	<p>Upon completion or termination of IEP specified mental health services, the CMHS service provider shall notify the LEA which shall schedule an IEP team meeting to discuss and document this change. Appendix #14</p> <p>If the parent obtains an independent evaluation either prior to or subsequent to the referral, a copy of the independent evaluation will be made available to the CMHS prior to the IEP.</p> <p>The CMHS assessor who reviewed the independent evaluation shall attend the IEP meeting if requested by the parent or LEA and discuss the recommendation.</p> <p>If a mental health assessment has already been completed and new information is introduced at the IEP meeting, mental health may ask to adjourn the meeting to consider the new information.</p>

PLACEMENT OF A PUPIL IN A RESIDENTIAL TREATMENT FACILITY

SECTION 60100

This article shall apply only to a pupil with a disability who is emotionally disturbed pursuant to paragraph (1) of Section 3030 of Title 5 of the California Code of Regulations and is the joint responsibility the LEA and CMHS.

A CMHS representative shall serve on the expanded IEP team when 24-hour out-of-home residential placement and treatment is being considered for an emotionally disturbed student.

- The team meeting shall continue only as an expanded IEP team pursuant to Section 7572.5 of the Government Code, with an authorized representative of the CMHS.
- Prior to the determination that a residential placement is necessary for the pupil to receive special education and mental health services, the IEP team shall consider less restrictive alternatives consistent with a wraparound philosophy. Such alternatives may include any combination of cooperatively developed educational and mental health services.
- If CMHS or the LEA determines that additional mental health assessments are needed, the LEA and CMHS shall proceed in accordance with Section 60040 and 60045.
- When the expanded IEP team recommends a residential placement, it shall document the pupil's educational and mental health treatment needs that support the recommendation for residential placement. This documentation shall identify the special education and related mental health services to be provided by a residential facility listed in Section 60100 that cannot be provided in a less restrictive environment pursuant to Section 300.552 of Title 34 of the Code of Federal Regulations and Title 20, United States Code Section 1412(a)(5).
- The CMHS case manager, in consultation with the IEP team's administrative designee, shall identify a mutually satisfactory placement that is acceptable to the parent and addresses the pupil's educational and mental health needs in a manner that is cost-effective for both public agencies, subject to the requirements of state and federal special education law, including the requirement that the placement be appropriate and in the least restrictive environment.
- The residential placement shall be in a facility listed in Section 60025 that is located within, or in the county adjacent to, the county of residence of the parents of the pupil with a disability, pursuant to paragraph (3) of subsection (a) of Section 300.552 of Title 34 of the Code of Federal Regulations. When no nearby placement alternative which is able to implement the IEP can be identified, this determination shall be documented, and the CMHS service case manager shall seek an appropriate placement which is as close to the parents' home as possible.
- Rates for care and supervision shall be established for a facility listed in Section 60025 in accordance with Section 18350 of the Welfare and Institutions Code.
- Residential placements for a pupil with a disability who is seriously emotionally disturbed may be made out of California only when no in-state facility can meet the pupil's needs and only when the requirements of subsection (d) and (e) have been met. Out-of-state placements shall be made only in residential programs that meet the requirements of Welfare and Institutions Code Sections 11460-(e) (2) through (c)(3). For educational purposes, the pupil shall receive services from a privately operated non-medical, non- detention school certified by the California Department of Education.
- When the expanded IEP team determines that it is necessary to place a pupil with a disability who is seriously emotionally disturbed in residential care, the CMHS service shall ensure that:
 - The mental health services are specified in the IEP in accordance with Title 20, United States Code Section 1414(d)(1)(A)(vi).
 - Qualified mental health professionals provide mental health services.
- When the expanded IEP team determines that it is necessary to place a pupil with a disability who is seriously emotionally disturbed in a facility listed in Section 60025, the expanded IEP team shall ensure that placement is in accordance with admission criteria of the facility.

**CASE MANAGEMENT
SECTION 60110**

Local Education Agency (LEA)	Children's Mental Health Services (CMHS)
<p>The LEA shall appoint an administrative contact person to coordinate placement information with the CMHS case manager.</p>	<p>Upon notification of the expanded IEP team's decision to place a pupil with a serious emotional disturbance (ED) into residential care, the local mental health director or designee shall immediately designate a case manager who will perform the services described below.</p>
<p>The LEA shall be responsible for providing or arranging for the special education and non-mental health related services as identified on the IEP.</p>	<p>The case manager shall coordinate the residential placement plan as soon as possible after the IEP team has decided to place the pupil in residential placement. The residential placement plan shall include provisions, as determined by the pupil's IEP, for the care, supervision, mental health treatment, psychotropic medication monitoring and include reference to the pupil's education as provided by the LEA. When the expanded IEP team determines that it is necessary to place an ED pupil in a community treatment facility (CTF), the case manager shall ensure that placement is in accordance with admission, continuing stay and discharge criteria of the facility.</p>
<p>The LEA administrative representative shall:</p> <ul style="list-style-type: none"> • Assure the completion of the LEA financial paperwork or contracts for the educational placement while in the residential placement or CTF. • Coordinate the transportation of the pupil to and from the facility, in accordance with the IEP. • Provide, upon request, information regarding the student's special learning needs to the administrator or designee of the residential facility. • Schedule an expanded IEP team meeting within six months of initial placement of the pupil in a residential facility and every six months thereafter as long as the pupil remains in the residential facility. 	<p>Case management shall include but not be limited to, the following responsibilities:</p> <ul style="list-style-type: none"> • To identify an appropriate residential placement from those defined in Sec. 60025 and excluding local inpatient, private psychiatric and state hospital facilities. Share that information with the parent, student, and representatives of public and private agencies as appropriate, including LEA representatives to gain input prior to specific placement recommendation. Appendix #15 • To identify, in consultation with the LEA's administrative designee, a mutually satisfactory placement that is acceptable to the parent. The placement shall address the pupil's educational and mental health needs in a manner that is cost-effective for both public agencies, including that placement be appropriate and in the least restrictive environment, in accordance with the requirements of state and federal special education law.

Local Education Agency (LEA)	Children's Mental Health Services (CMHS)
<ul style="list-style-type: none"> • Resolve any issues of discrepancy between services and goals provided in the education setting and those indicated on the IEP. • The LEA shall schedule an IEP meeting within 50 days of the parent's signed Mental Health consent. The LEA shall invite appropriate staff including probation, CMHS, school services representatives, etc. 	<ul style="list-style-type: none"> • To facilitate the enrollment and complete the payment authorization to initiate payments for residential placement in accordance with Section 18351 of the Welfare and Institutions Code. • To assure the completion of the CMHS service and financial paperwork or agreements for the residential placement • To develop the plan and assist the student and the family with the student's social and emotional transition from home to residential placement and the subsequent return to home. • The Case Manager shall notify the LEA representative at least ninety (90) days in advance of an anticipated transition to convene an IEP meeting and to develop a transition plan. Appendix #16 • To conduct quarterly face to face contacts with the student at the residential facility to monitor the level of care and supervision and the provision of mental health services as required by the IEP. In addition, for pupils placed in a community treatment facility, an evaluation every ninety (90) days to determine if the pupil meets the continuing stay criteria as defined in W&I Code Section 4094. • To conduct quarterly face to face contacts with the parent to discuss issues, concerns, progress, priorities, and the supervision and provision of mental health services. • To notify the parent and the LEA contact person if there is a discrepancy between the level of care, supervision and provision of mental health services and the requirements of the IEP. • To attend the next scheduled expanded IEP team meeting within the first six months and every six months thereafter, as long as the pupil remains in residential placement.

FINANCIAL RESPONSIBILITIES AND PROVISION OF SERVICES
SECTION 60200

The purpose of this article is to establish conditions and limitations for reimbursement for the provision of special education instruction, designated instruction and services, related services, and residential placement described in Articles 2 and 3 of this chapter.

Special education instruction, designated instruction and services, related services, and residential placements are to be provided at no cost to the parent.

The CMHS Services of the county of origin shall be responsible for the provision of assessments and mental health services included in an IEP in accordance with Sections 60045, 60050, and 60100. Mental health services shall be provided either directly by the CMHS services or by contractors. All services shall be delivered in accordance with Section 523 of Title 9 of the California Code of Regulations.

Local Education Agency (LEA)	Children's Mental Health Services (CMHS)
The transportation of a pupil with a disability to and from the mental health services specified on the pupil's IEP in accordance with Section 300.13 of Title 34 of the Code of Federal Regulations and CEC 56200.	The provision of assessments and mental health services included in the IEP in accordance with sections 60045, 60050 and 60100. Mental health services may be provided directly by the CMHS service or by contractors. All services shall be delivered in accordance with Section 523 of Title 9 of the California Code of Regulations (CCR).
The special education instruction, non-mental health related services and designated instruction and services agreed upon in the nonpublic, nonsectarian school services contract or a public program arranged with another SELPA or LEA.	<p>Authorize payment to the facilities in Section 60025 based upon rates established by the Department of Social Services in accordance with Sections 18350 through 18356 of the Welfare and Institutions Code.</p> <p>Issue payments in accordance with Section 18351 of the Welfare and Institutions Code to providers of residential placement.</p>

Following the IEP meeting when CMHS makes a recommendation for mental health services, the CMH assessor shall notify the LEA in writing of the name, address, and telephone number of the mental health professional or contract agency that will provide the IEP related mental health services pursuant to AB 2726. Effective November 1, 2003, CMHS shall notify the LEA director of special education or designee (**Appendix #16**) when the appropriate CMHS provider is unable to provide services within twenty (20) days.

With respect to outpatient services, per the regulation 2 CCR 60030(c)(15), the assessor shall provide the LEA with a list of qualified mental health professionals who have been approved by CMHS, accept the Term Team rate of reimbursement, and who have the capacity to provide services. The CMHS Approved Provider List and the Term Team Rate of Reimbursement are attached hereto as Appendices #17. CMHS will monitor its contracts in accordance with the executed contract. For day treatment, CMHS will provide a list of qualified programs that meet the requirements and accept the agreed upon rate. For residential services, CMHS shall notify the LEA of the appropriate source for identifying residential programs. If placement cannot be made by CMHS, the LEA will seek a placement that meets the treatment standards required by CMHS and will provide the service at the prevailing rate in the community.

In accordance with Section 1412(1)(12) of Title 20 of the United States Code and 300.142(b)(2) and Section 300.142(b)(2) of the Code of Federal Regulations, the LEA shall provide the services and receive reimbursement from CMHS under the following conditions:

- CMHS does not initiate the service identified on an IEP or an agreed upon short-term interim program within twenty-five (25) days.
- The LEA notifies CMHS of the provision of service five (5) business days after the initiation of services.
- The LEA selects a provider from the CMHS Approved Provider List referenced above. If a provider on the CMHS Approved Provider List is not available, the LEA shall contract with a provider who has the capacity to provide the mental health services set forth on the student's IEP at the TERM Team rate or at a rate not to exceed the prevailing rate in the community.
- The LEA and CMHS shall vigorously attempt to develop a mutually acceptable placement in a cost-effective manner, subject to the requirements of state and federal law, that is consistent with the student's individualized educational program.
- For Fiscal Year 2003-04, Children's Mental Health Services will reimburse school districts that fund the AB2726 mental health costs of students in mental health placements no later than Fiscal Year 2004-05. Requests for reimbursement shall include the dates services were provided as authorized in the IEP, type of service provided, and amount of time (minutes) service was provided. Such requests shall be received by CMHS within 90 days after the service was provided but no later than July 30, 2004.

The following procedures will be used for implementing IEP recommendations for outpatient, day treatment and residential placement.

OUTPATIENT

Local Education Agency (LEA)	Children's Mental Health Services (CMHS)
A LEA representative contacts parent to answer any questions regarding outpatient services and encourages parent to contact service provider to arrange intake.	When the IEP team has recommended outpatient services, the CMHS assessor shall initiate a referral to the appropriate outpatient service provider and send appropriate written background information. The assessor sends written notification to the parent of the outpatient service provider.
A LEA representative reviews notification of the service provider and informs the teacher that the clinician will be contacting him or her for on-going communication regarding student progress.	The service provider and parents arrange for an initial intake visit to be provided. The service provider notifies the LEA representative coordinating the AB2726 referral of the date for initiation of services and the clinician assigned to work with the child and provide case coordination.
A LEA representative will schedule an IEP team meeting, including the service provider, within 15 days to review the service recommendation and discuss other supports and/or options if indicated.	If parent does not respond to phone calls and written letters to arrange intake or bring the student to the scheduled intake within 30 days, the service provider will notify the LEA representative of the need to reconvene the IEP meeting.
The teacher will communicate with the clinician and the parent at least monthly to discuss progress and concerns.	The clinician will contact the child's teacher and parent monthly to discuss progress and concerns.
The teacher will review the quarterly reports and attach them to the other progress reports for the child's IEP and send copies to clinician.	The clinician will provide written quarterly reports to the parent and teacher regarding progress on the IEP goals addressed through outpatient services.

DAY TREATMENT

Local Education Agency (LEA)	Children's Mental Health Services (CMHS)
LEA contacts parent to answer any questions regarding day treatment services and encourages parent to contact service provider to arrange intake.	When the IEP team has recommended day treatment, the CMHS assessor shall initiate a referral to the appropriate day treatment service provider and send appropriate written background information. The assessor sends written notification to the parent regarding the day treatment service provider.
LEA reviews notification of the day treatment service provider. LEA representative contacts the educational service provider to ensure all required information is provided and facilitate enrollment.	The service provider and parent arrange for an initial intake visit. The service provider notifies the LEA representative, the parent, and the CMHS assessor of the anticipated start date within 30 days of the IEP meeting.

Local Education Agency (LEA)	Children's Mental Health Services (CMHS)
<p>The LEA shall participate in transitional planning through the IEP process at the initiation of day treatment service. The anticipated length of day treatment shall be identified based on the student's individual needs as specified in his or her treatment plan.</p> <p>The LEA shall review the results of the reassessment.</p> <p>Upon notification by the Case Manager, the LEA shall convene an IEP meeting to develop a program transition plan, including the identification of possible placements for the student upon completion of day treatment. The IEP team shall specify the date and anticipated support for the student to transition to another level of service.</p>	<p>CMHS shall participate in transitional planning through the IEP team at the initiation of day treatment service. The anticipated length of day treatment shall be identified based on the student's individual needs as specified in his or her treatment plan.</p> <p>The Case Manager shall initiate a reassessment to review a potential change in the level of care, obtain parent permission, and notify the LEA.</p> <p>If indicated by the review of the level of care, the Case Manager shall notify the LEA representative at least thirty (30) days in advance of an anticipated transition to convene an IEP meeting and to develop a transition plan. The IEP team shall specify the date and anticipated support for the student to transition to another level of service. Appendix #18</p>

RESIDENTIAL TREATMENT

Local Education Agency (LEA)	Children's Mental Health Services (CMHS)
LEA contacts parent to answer any questions regarding residential services and encourages parent to contact service provider to arrange intake.	When the IEP team has recommended residential services the representative of CMHS shall follow all procedures listed in the section titled Case Management, Section 60110.
<p>LEA reviews notification of the residential service provider.</p> <p>LEA representative contacts the educational service provider to determine if additional educational information is needed and facilitate enrollment.</p>	The service provider and parents arrange for an initial intake visit.
LEA representative arranges transportation and verifies enrollment information is completed.	The service provider notifies the LEA representative the parent and the CMHS assessor of the anticipated start date within 30 days.

CONTRACT BETWEEN SAN DIEGO COUNTY OFFICE OF EDUCATION AND HEALTH AND HUMAN SERVICES AGENCY

A copy of the contract between the San Diego County Office of Education and the Health and Human Services Agency required under AB 1765 will be included with this interagency agreement as a reference document. The contract is applicable only to the 2003-2004 fiscal year and will be included in **Appendix #19**.